



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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EILEEN MCGAHAN,

Plaintiff,

v.

MICHAEL J. ASTRUE,  
COMMISSIONER  
OF SOCIAL SECURITY,

Defendant.

\*\*\*\*\*

Civil Action No. 10-0789

**CONSENT ORDER TO  
REMAND PURSUANT TO  
SENTENCE 4 OF  
42 U.S.C. § 405(g)**


This matter having been opened to the Court by RICHARD S. HARTUNIAN, Interim United States Attorney for the Northern District of New York, and Sixtina Fernandez, Special Assistant United States Attorney, attorneys for Defendant, for an Order remanding the within cause of action to the Defendant pursuant to sentence 4 of 42 U.S.C. § 405(g) so that further administrative action may be taken; and Plaintiff, through the undersigned attorney, having consented to the within order and the requested remand, and the Court having considered the matter,

IT IS on this                      day of March, 2011;

ORDERED that the final decision of the Commissioner be and hereby is REVERSED, and the matter is REMANDED to the Defendant for further administrative action, and it is further

ORDERED that the within matter, be and hereby is, DISMISSED in accord with the decision in Melkonyan v. Sullivan, 501 U.S. 89 (1991).

IT IS SO ORDERED.

  
Andrew T. Baxter, Magistrate Judge  
United States District Court

  
Norman A. Mordue  
Chief Judge

Dated: March 7, 2011

The undersigned hereby consent to the form and entry of the within order.

RICHARD S. HARTUNIAN  
United States Attorney

By: s/ *Sixtina Fernandez*  
Sixtina Fernandez  
Special Assistant U.S. Attorney  
Bar No. 513910

Lachman & Gorton

By: s/*Peter A. Gorton* by S.F.  
Peter A. Gorton, Esq.  
Attorney for Plaintiff